761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 4, 2011
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH B. NUNEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2269296
Incident:	Non-Hit Shooting
Incident Date:	June 24, 2010
Unit:	Narcotics Bureau
Suspect:	Douglas Ryan Oeters MW/18
Involved Employees:	Detective Mark Brewster [redacted]
EFRC Date:	October 18, 2011

On October 18, 2011, the Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Michael Rothans, and Commander Anthony La Berge met and reviewed the above case. The applicable policies that were evaluated were: MPP 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

FINDINGS:

The Committee determined that the force used by Detective Mark Brewster was reasonable, necessary, and in compliance with Department Policy. The Committee also determined that the tactics used by Detective Brewster were sound and reasonable.

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Investigator's Log

Audio/ Video Tracking Sheet

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Officer Involved Shooting Form

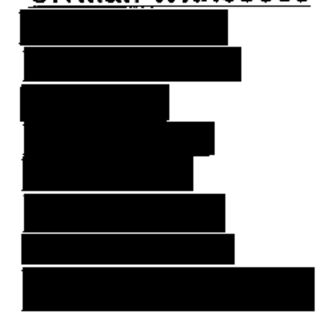
Investigative Summary

Transcribed Interviews:

Sworn Witnesses

Detective Mark Brewster
Agent [redacted]
Detective Alfonso Serrano
Detective [redacted], LAPD
Agent [redacted]
Agent [redacted]
Agent [redacted]
Agent [redacted]
Agent [redacted]

Civilian Witnesses



[redacted]

Suspect

Douglas Ryan Oeters

Exhibits

A- Homicide Book
B- 4 CD's containing Homicide Interviews

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Miscellaneous Documents

-Administrative Rights/ Force/Shooting Review Form
-DA Letter of Opinion
-Chiefs Memo



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

February 1, 2011

Captain David Smith
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File # 10-0488
L.A.S.D. DR # 010-00070-3199-013

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the June 24, 2010, fatal shooting of Zachary Champommier by Los Angeles County Sheriff's Deputy Mark Brewster and Drug Enforcement Agent [redacted] It is our conclusion that Deputy Brewster and Agent [redacted] acted in lawful self-defense.

The following analysis is based on reports prepared by the Los Angeles Sheriff's Department (LASD), submitted to this office on November 24, 2010 by Sergeants Sandy Nava and Don Walls. The District Attorney Response Team, comprised of Deputy District Attorney Shelly Torrealba and Senior Investigator [redacted] responded and was given a briefing and a walk-through of the scene. Voluntary statements of Agent [redacted] and Deputy Brewster were considered in our analysis.

FACTUAL ANALYSIS

On June 24, 2010, at approximately 9:30 p.m., officers participating in the Los Angeles High Intensity Drug Interdiction Task Force (HIDIT), in conjunction with the United States Drug Enforcement Agency (DEA), United States Internal Revenue Service (IRS), Los Angeles Police Department (LAPD) and LASD, were debriefing in a shopping area parking lot after the execution of an undercover narcotics operation search warrant.

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
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During the task force debriefing, Douglas Oeters walked through the parking lot "casing" various vehicles, including the task force undercover vehicles containing narcotics and money recovered from the search. After task force members identified themselves as law enforcement officers to Oeters and tried to detain him, he became combative and shoved LAPD Officer [redacted] Task force officers, including Brewster, immediately rendered assistance to [redacted]

Zachary Champommier, the driver of a white vehicle, suddenly and without provocation accelerated towards [redacted] and Brewster. Champommier struck Brewster with the front of his vehicle causing Brewster to strike the front windshield and roll from the vehicle's hood to the ground. The vehicle then continued to accelerate towards DEA Agent [redacted] Consequently, Brewster and [redacted] simultaneously fired six rounds[1] from their service weapons,[2] striking Champommier's rear window, rear left passenger's door and the driver's side window. Champommier continued driving eastbound through the parking lot and subsequently collided with two parked vehicles before coming to a rest. Champommier then complied with law enforcement commands while Agent [redacted] immediately obtained a medical bag from his vehicle to render medical aid. Paramedics pronounced Champommier dead at the scene and Brewster was transported to Cedars Sinai Hospital for back and shoulder injuries.

Autopsy Report

On June 28, 2010, Deputy Medical Examiner Ogbonna Chinwah, M.D. of the Los Angeles County Coroner's Office conducted a post-mortem examination on the body of Zachary Champommier. Champommier had a single gunshot wound to his upper left arm that passed through his heart and lungs before exiting his upper right arm. Dr. Chinwah ascribed Champommier's death to the gunshot wound[3] received on June 24, 2010.

Zachary Champommier's Vehicle

Champommier was driving a white 2000 Toyota Corolla, California License Plate Number [redacted] The vehicle had damage to the front right fender, bumper and hood. Tire friction evidence revealed Champommier accelerated without braking approximately 112 feet to the point of impact with Brewster and was traveling between 29 mph to 35 mph. The tire impressions further depicted renewed acceleration by Champommier immediately after striking Brewster.

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[1] Deputy Brewster believed he fired one round and Agent [redacted] believed he fired five rounds.
[2] Deputy Brewster's service weapon was a 9mm semiautomatic Berretta handgun. Agent [redacted] service weapon was a 40 caliber semiautomatic Glock handgun.
[3] No ballistic evidence was recovered to determine which round struck Champommier.

Douglas Oeter's Criminal History

[redacted]

Relationship Between Zachary Champommier and Douglas Oeter

A few days prior to the incident, Oeter and Champommier had met on an internet website called Adam4Adam and planned a sexual encounter for June 24, 2010.[4] Oeter told deputies in his *Mirandized* statement he didn't remember the name of the person he was meeting but knew he was driving a white car. Oeter also stated the white car was probably trying to protect him and he heard the officers identify themselves as law enforcement when they initially approached him.

CONCLUSION

California law permits the use of deadly force in self-defense or in defense of others if it reasonably appears that the person claiming the right actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Randle* (2005) 35 Cal.4th 987, 994; *People v. Mercer* (1962) 210 Cal.App.2d 153.

In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. *Graham v. Connor* (1989) 490 U.S. 386, 396-398. An officer may reasonably use deadly force when he confronts a suspect in close proximity whose actions indicate intent to attack; in those circumstances, the court cannot ask officers to hold fire in order to ascertain whether the suspect will, in fact, injure or murder the officer. *Martinez v. County of Los Angeles* (1996) 47 Cal.App.4th 334.

The evidence shows that Deputy Brewster and the HIDIT team arrived at a pre-arranged location to de-brief when Oeter began "casing" the undercover vehicles. Officer [redacted] approached Oeter and identified the team as law enforcement. Oeter immediately became aggressive and uncooperative. Despite constant warnings from Officer [redacted] Oeter refused to cooperate which drew in Deputy Brewster and Agent [redacted] to assist. Champommier suddenly accelerated his vehicle towards the officers and struck Deputy Brewster causing him to roll onto the hood and fall to the ground. Champommier then continued accelerating his vehicle towards Agent [redacted]. Champommier's actions placed Deputy Brewster and Agent [redacted] in reasonable fear of death or great bodily injury causing them to respond with deadly force.

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[4] Phone records revealed 49 text messages between Champommier and Oeter on June 24, 2010 between 2:07 p.m. and 9:21 p.m. The shooting occurred at approximately 9:30 p.m.

Deputy Brewster and Agent [redacted] were in fear for their lives when they used deadly force against Zachary Champommier. Thus, we conclude that Deputy Brewster and Agent [redacted] acted in lawful self-defense. We are therefore closing our file and no further action will be taken.

Very truly yours,

STEVE COOLEY
District Attorney

By Shelly Torrealba by: Rosa Alarcon

SHELLY TORREALBA
Deputy District Attorney
(213) 974-3888

c: Deputy Mark Brewster, # [redacted]
Agent [redacted] # [redacted]